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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 MARK MAYES,)
8) CASE NO. C18-0696 RSM
9 Plaintiff,)
10 v.) ORDER DENYING MOTION TO
11) APPOINT COUNSEL
12 ALEXANDER OHASHI and ACE)
13 PARKING,)
Defendants.)

14 THIS MATTER comes before the Court on Plaintiff's Motion to Appoint Counsel. Dkt.
15 #6. Plaintiff asks the Court to appoint counsel in this retaliation/discrimination case on the basis
16 that he has contacted several legal firms but they "stated that the case wasn't paying enough
17 money or that they didn't work on cases of that nature." *Id.* The case was filed in this Court on
18 May 18, 2018, but has not yet been served on Defendants. Dkts. #5 and #7. Plaintiff has been
19 granted leave to proceed *in forma pauperis*. Dkt. #4.
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21 In civil cases, the appointment of counsel to a *pro se* litigant "is a privilege and not a
22 right." *United States ex. Rel. Gardner v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965) (citation
23 omitted). "Appointment of counsel should be allowed only in exceptional cases." *Id.* (citing
24 *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963)). A court must consider together "both the
25 likelihood of success on the merits and the ability of the petitioner to articulate his claims *pro se*
26 in light of the complexity of the legal issues involved." *Weygandt v. Look*, 718 F.2d 952, 954
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1 (9th Cir. 1983). Even where the claim is not frivolous, counsel is often unwarranted where the
2 litigant's chances of success are extremely slim. *See Mars v. Hanberry*, 752 F.2d 254, 256 (6th
3 Cir. 1985).

4 In his Complaint, Plaintiff alleges that his hours of employment at the Fairmont Hotel
5 were reduced in retaliation for complaining about a racist remark that a co-worker made to him.
6 Dkt. #5 at 3. He further asserts that as a result of the reduction in hours he was forced to quit his
7 job because he could no longer pay his rent. *Id.* Finally, he alleges he was subjected to disparate
8 treatment. *Id.* There are no other details alleged in the Complaint, and the Complaint does not
9 explain how the named Defendants were involved.
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11 At this early stage of the litigation, the Court cannot find that Plaintiff is entitled to
12 appointment of counsel. It does not yet appear that any exceptional circumstances exist, and
13 there is no record before the Court that would allow the Court to examine whether Plaintiff's
14 claims appear to have merit.
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16 Accordingly, the Court hereby finds and ORDERS that Plaintiff's Motion to Appoint
17 Counsel (Dkt. #6) is DENIED without prejudice. This Order does not preclude Plaintiff from re-
18 filing this motion once a factual record pertaining to his claims have been more fully developed.
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20 DATED this 8th day of June 2018.

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23 RICARDO S. MARTINEZ
24 CHIEF UNITED STATES DISTRICT JUDGE
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